

ORDER RECEIVED FOR FILING

Date 1/27/90  
By J. Robert Barnes

IN RE: PETITION FOR ZONING VARIANCE  
NE/S Trumps Mill Road, SE of  
Hensel Avenue  
(5701 Trumps Mill Road)  
14th Election District  
6th Councilmanic District  
Michael Perholz, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 90-279-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) height of 25 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, by Patricia Perholz, appeared and testified.

There were no Protestants.

Testimony indicated that the subject property, known as 5701 Trumps Mill Road, consists of 0.61 acres zoned D.R. 3.5 and is improved with a two and one-half story single family dwelling which has been Petitioners' residence for the past 20 years. Mrs. Perholz testified that Petitioners were in the process of constructing a garage to the rear of the subject property in conformance with the zoning regulations when it was determined that additional storage space was necessary. Petitioners' daughter and granddaughter have moved back home and Petitioners are planning to convert the third floor attic space into a large bedroom for their daughter and grandchild. Testimony indicated this will necessitate the removal of family belongings and storing them in the garage. Mrs. Perholz testified that the purpose for the additional height was not to create a second dwelling unit above the garage and that she would be willing to permit an inspection of the property upon request to insure compliance with the zoning regulations. She testified that while she had been advised

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1/27/90 day of January, 1990 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 25 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk because of the fact that as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living and/or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

A. M. Nastarowicz  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

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that she may have sufficient acreage to subdivide the property and transfer a portion of the property to another party for a separate dwelling, that was not her intention at this time. Mrs. Perholz testified that she has spoken with her neighbors who have no objections to their plans. Further testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

- 2 -

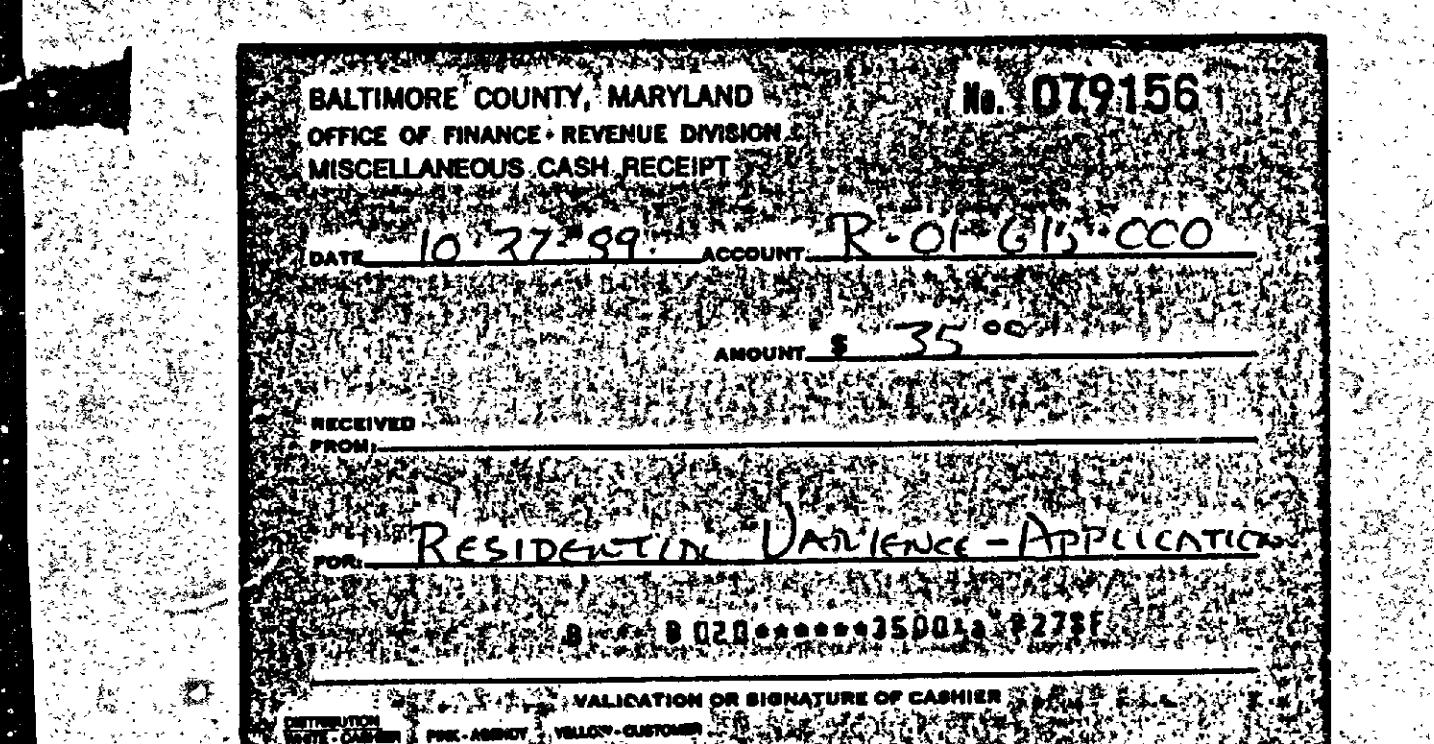
Tracking System

Baltimore County  
Zoning Commission  
Office of Planning & Zoning

Date	Receipt #	Fee	Number	Type	Identification Number	Council	District	Election District	Zip Code
10/27/89	07915601R	U	150			1	4	21206	

Petitioner: PERHOLZ L.P.A.T. (Initials)

Property Address: 5701 Trumps Mill Rd. Balt. MD



#150  
PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
90-279-A  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 To allow a height of 25 feet in lieu of 15 feet for an accessory structure (detached garage).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHED STATEMENT.

NAME & #  
14  
11-791  
F.M.  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the 11-791 Baltimore County addendum pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm under penalty of perjury, that I/we are the legal owner(s) of the property, 5701 Trumps Mill Rd., which is the subject of this Petition.

Legal Owner(s): MICHAEL PERHOLZ  
Michael Perholz  
Signature  
Address  
City and State

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.:  
Phone No.  
Signature  
Address  
Name  
City and State

ORDERED By the Zoning Commissioner of Baltimore County, this 19 day of January, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and property be posted, and that the same be filed before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 10 day of January, 1990, at 2 o'clock p.m.

SUBJECT, however, to the existing storm water drain constructed and used for the drainage of this and other lots.

BEING the same lot of ground which by Deed dated June 18, 1955 and recorded among the Land Records of Baltimore County in Liber GLB No. 2720, Folio 33, etc. was granted and conveyed by Thomas Osterhout and Sophie Osterhout, his wife, to Elven T. Simpson and Garnette E. Simpson, his wife, the grantees herein.

REVIEWED BY: J. Robert Barnes Zoning Commissioner of Baltimore County

(over)

ESTIMATED LENGTH OF HEARING  
1/2HR.  
AVAILABLE FOR HEARING  
MON/TUES/WED. - NEXT TWO MONTHS  
NOV/DEC/OCT/NOV OTHER MONTHS TO FILE PREFERENCE.  
REVIEWED BY: J. Robert Barnes DATE 10-27-89

\* Reason for variance request:

We wish to request a height variance to add a "barn" style roof to a garage we are now building.

This is because my daughter and granddaughter are now living with us. To accomplish this with a minimum of expensive problem, we want to convert the attic in our home into additional living space for them. In this way they would be able to use the existing bath and kitchen facilities.

Our concern is to find a safe place for the many valuable antiques and furnishings of my father's estate that are presently stored there in our attic.

My son is able to add the storage space above the garage quite easily at this time if a height variance would be granted. — Thank you

Michael Perholz  
Patricia A. Perholz

LIBERS 067 PAGE 706  
#150  
THIS DEED, Made this First day of December  
in the year one thousand nine hundred and sixty-nine, by and between  
ELVEN T. SIMPSON and GARNETTE E. SIMPSON, his wife  
of Baltimore County  
MICHAEL PERHOLZ, and PATRICIA A. PERHOLZ, his wife  
in the State of Maryland, of the first part, and  
of the second part.  
Witnesseth, That in consideration of the sum of Five Dollars, and other good and valuable consideration, receipt whereof is hereby acknowledged  
the said ELVEN T. SIMPSON and GARNETTE E. SIMPSON, his wife  
do grant and convey unto the said MICHAEL PERHOLZ and PATRICIA A. PERHOLZ, his wife,  
as tenants by the entireties, the premises, and to the survivor of them and his or her  
heirs and assigns, in fee simple, all that lot, of ground, situate, lying and being in  
Baltimore County, State of Maryland  
Beginning at the corner of Trumps Mill Road at the Northeast corner of lot number twenty-two (22), running thence binding on the Eastmost line of said lot South 25 degrees 47 minutes West 163-41/100 feet, running thence for a line of division North 64 degrees 13 minutes West 152-52/100 feet to the Western end of said road, thence North 25 degrees 47 minutes West 163-41/100 feet to the point where said road to be left East 184-76/100 feet to the Trumps Mill Road, running thence binding thence South 56 degrees 15 minutes East 154 feet to the place of beginning.  
SUBJECT, however, to the existing storm water drain constructed and used for the drainage of this and other lots.



90-279-A

DEED PLAT AND MAP CHANGE

Permit Dept - Lot size on our records is being changed  
to conform with deed description  
Tom Goode - Map Division  
321-2705

**#150**

PROPERTY OWNER	P. PHOLTZ, MICHAEL	YEAR	70-71						
PROPERTY NO.	14 16 016660	DISTRICT	14						
DEED REFERENCE		LINER / FOLIO							
HOUSE NO.	IMPROVEMENT ADDRESS	LOT	SIM.	SECT.	PLAT	MAP.	MAP.	5SID.	PARCEL
PRINCIPAL DESCRIPTION									
SUPPLEMENTAL DESCRIPTION									
FROnt	SIDE 1	163.41'							
152.52'	SIDE 2	184.70'							
BACk									
CARD NO.	05367A	AREA NAME	T. GOODE	DATE	10-26-89				

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

December 6, 1989

**#150**

**NOTICE OF HEARING**

Dennis F. Rasmussen  
County Executive

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following:

Petition for Zoning Variance  
CASE NUMBER: 90-279-A  
Trumps Mill Road at the northeast corner of Lot #22  
2001 Trumps Mill Road  
14th Election District - 6th Councilmanic  
Petitioner(s): Michael Perholz, et ux  
HEARING: WEDNESDAY, JANUARY 10, 1990 at 2:00 p.m.

Variance to allow a height of 25 feet in lieu of 15 feet for an accessory structure (detached garage).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:  
(If PHASE II<sup>o</sup> of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

*J. Robert Haines*

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRHrgs  
cc: Petitioners

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Michael Perholz  
2001 Trumps Mill Road  
Baltimore, Maryland 21208

Re: Petition for Zoning Variance  
CASE NUMBER: 90-279-A  
Trumps Mill Road at the northeast corner of Lot #22  
2001 Trumps Mill Road  
14th Election District - 6th Councilmanic  
Petitioner(s): Michael Perholz, et ux  
HEARING: WEDNESDAY, JANUARY 10, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$111.09 is due for advertising and posting of the above captioned property.

THIS FEES MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED BY THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please send your check payable to Baltimore County, Maryland, bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

If advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set kept returned.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

**NOTE:**  
(If PHASE II<sup>o</sup> of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

90-279-A

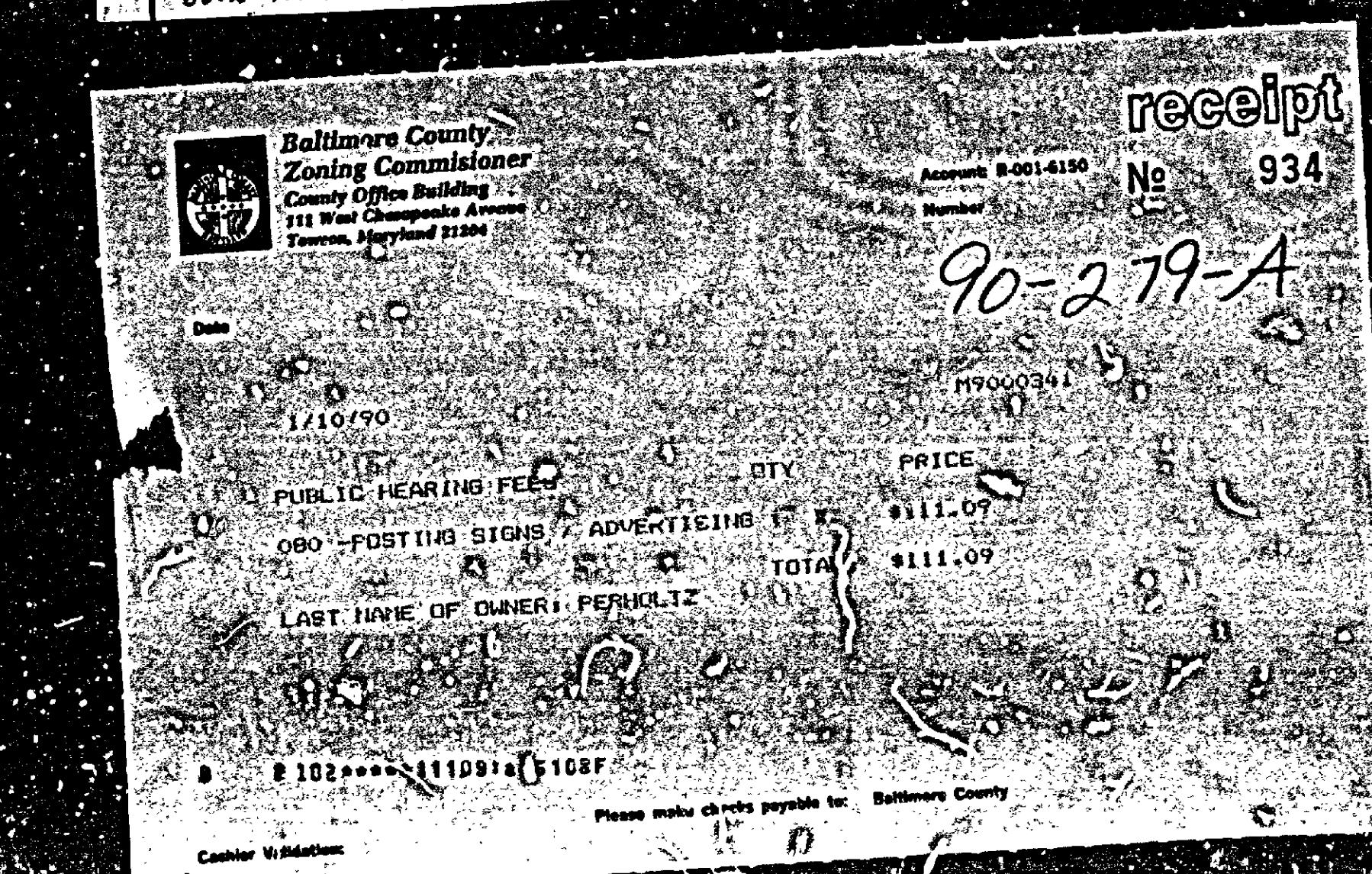
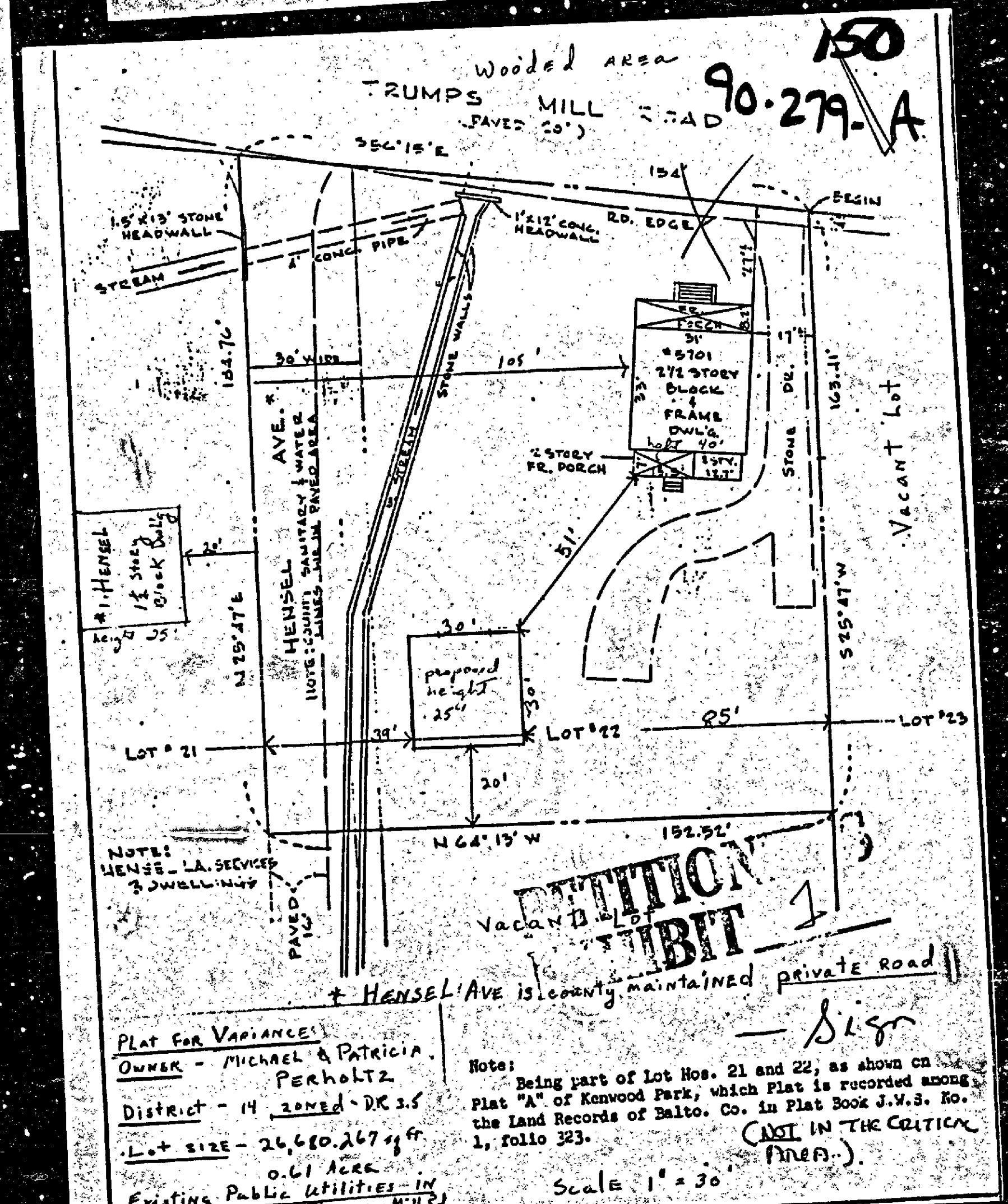
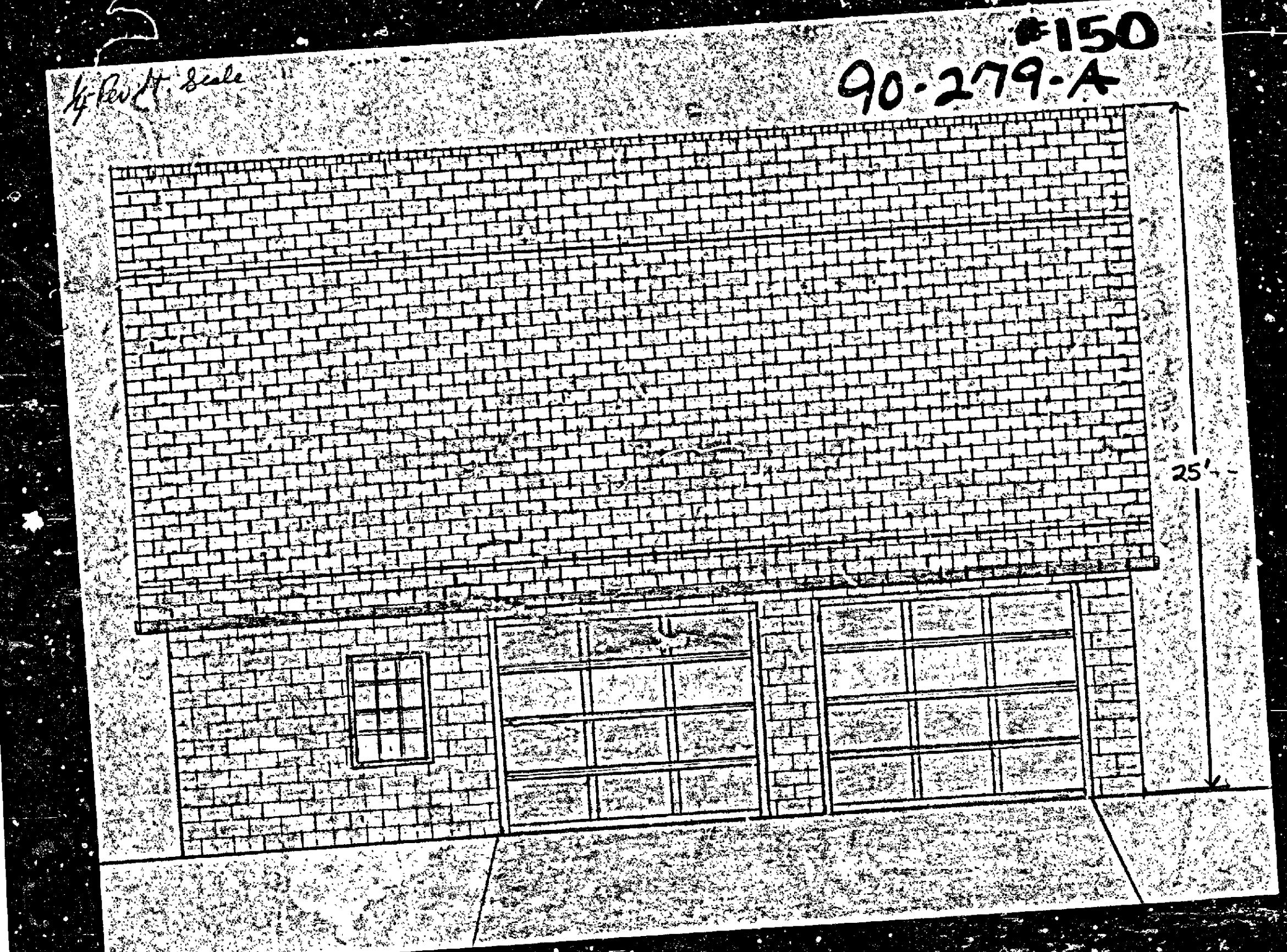
District: 14TH  
Posted for: *Perholz, Michael*  
Petitioner: *Michael Perholz, et ux*  
Location of property: *Towson Mill Rd. corner of lot #22*  
Location of Signs: *Facing Trumps Mill Rd. across 15' fr. the Jersey, property of Petitioner*  
Remarks:  
Posted by: *M. Haines*  
Number of Signs: *1*  
Date of return: *10-26-89*

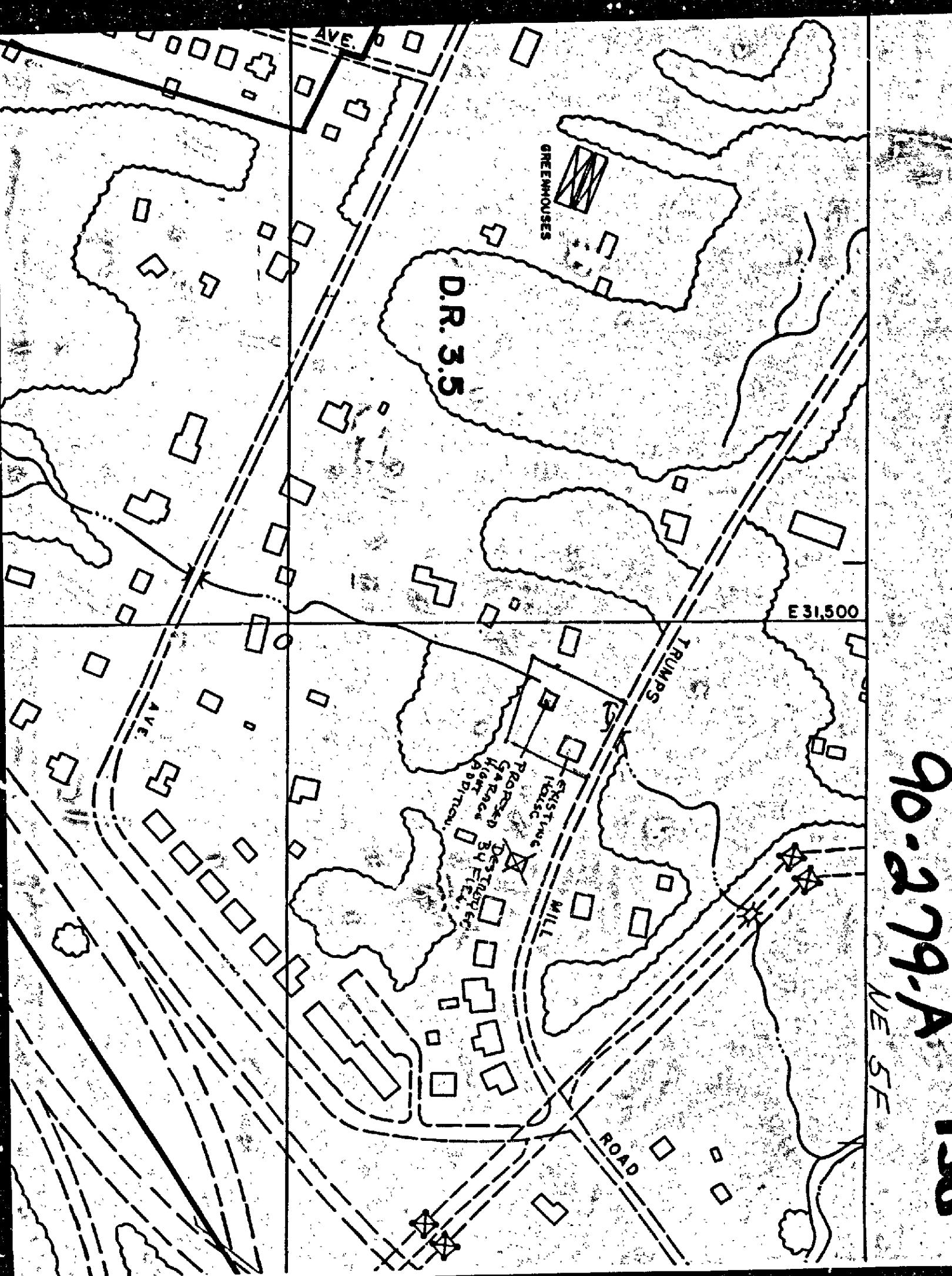
**CERTIFICATE OF PUBLICATION**  
December 14, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 14, 1989.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*S. Zeke Olson*  
Publisher





BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

COUNTY OFFICE BLDG  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc:

Mr. & Mrs. Michael Perholz  
5701 Trumps Mill Road  
Baltimore, MD 21206

RE: Item No. 150, Case No. 90-279-A  
Petitioner: Michael Perholz  
Petition for Zoning Variance

Dear Mr. & Mrs. Perholz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of planning problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time. I will offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WNIARSKA, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

January 23, 1990

Mr. & Mrs. Michael Perholz  
5701 Trumps Mill Road  
Baltimore, Maryland 21206

RE: PETITION FOR ZONING VARIANCE  
NW/S Trumps Mill Road, 5 of Henzel Avenue  
(5701 Trumps Mill Road)  
14th Election District - 6th Councilmanic District  
Michael Perholz, et ux - Petitioners  
Case No. 90-279-A

Dear Mr. & Mrs. Perholz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

CC: People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Your petition has been received and accepted for filing this 27th day of October, 1989.

J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

Chairman,  
Zoning Plans Advisory Committee

Petitioner: Michael Perholz, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Michael Perholz, et al., Item 150

DATE: December 18, 1989

The petitioners request a variance to permit a garage of 25 ft in lieu of the required 15 ft.

In reference to this request, staff has no objection to the requested variance; however, the following conditions are recommended should the request be granted:

- Living quarters, kitchen, or bathroom facilities shall be prohibited in the accessory structure.
- Storage should be limited to the personal property of the occupants and the antiques and furnishings of the father's estate.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

JK/JL/cmm

DEC 18 1989

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2556  
(301) 887-4500

Paul H. Reicks  
Chief

December 1, 1989



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL PERHOLTZ

Location: TRUMPS MILL ROAD AT THE NORTH-EAST CORNER OF LOT #22

Item No.: 150 Zoning Agenda: NOVEMBER 14, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* Noted and Approved  
Planning Group  
Special Inspection Division

*John Brinkley*  
Fire Prevention Bureau

JK/KEK

DEC 5 1989

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3354

November 29, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 144, 150, 151, 152, 153, 154, 155, 156, 158, & 159.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lww

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for November 14, 1989

The Developers Engineering Division has reviewed the subject zoning items enclosed in the following order for Items 144, 150, 151, 152, 153, 154, 155, 156, 157, 158, and 159.

For Item 151, the creation of this lot leaves the 4.938 acre parcel without frontage. Plat 44/09 had previously eliminated frontage of lots east of the panhandle. It appears that a subdivision plat should be prepared for any subsequent development on the tract.

For Item 152, record plat 60/95 identified Hillside Drive as Hillside Drive.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:bs

REC'D 7-2-90